



BOARD OF BARBERING AND COSMETOLOGY
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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Board of Barbering and Cosmetology
2420 Del Paso Road, Suite 100
Sequoia Conference Room
Sacramento, California 95834

MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF JULY 24, 2006

BOARD MEMBERS PRESENT:

Jerry Tyler, President
Richard Hedges, Vice President
Frank Lloyd

BOARD MEMBERS PRESENT VIA TELEPHONE:

Marlene Gadinis
Jerri Ann Walters
Angela Reddock
Bonnie LaChappa
Joe Gonzalez

Absent:

Dr. Della M. Condon

STAFF MEMBERS PRESENT:

Kristy Underwood, Executive Officer
Denise Johnson, Asst. Executive Officer
Gary Duke, Staff Counsel
Theresa Rister, Board Analyst

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Tyler called the meeting to order at 9:10 a.m. The board members and staff introduced themselves.

2. Agenda Item #2, APPROVAL OF APRIL 24, 2006 BOARD MEETING MINUTES

Upon a motion by Mr. Hedges, seconded by Ms. LaChappa, the minutes were approved by a 8-0 roll call vote.

3. Agenda Item #3, UPDATE ON FOOTSPA WORKGROUP

Approval of Notice of Proposed Regulatory Language for Cleaning and Disinfecting

Footspas: Mr. Tyler reported on the meeting regarding the regulatory language. Solid input was received. A vote of approval is needed to start the regulatory process. Public notice and comments will follow. Mr. Hedges indicated he attended 3 meetings of the Footspa Safety task force and was very impressed with the wide variety of people involved with the working group, the level of professional input and the disagreements resolved. Ms. Gadinis clarified that there will be opportunities in the future to make adjustments and the vote today is only to initiate the regulatory process. Legal counsel confirmed this and noted a significant public comment period will follow. The entire process will need to be completed within a year.

Public Comment:

Lester Aponte, Sanicare Salon Products: His company is concerned with the proposed language. Their product is designed for cleaning footspas. They are concerned that their product could not be used by salon operators if the new footspa disinfection language is passed. Mr. Tyler noted he has received an email from the company and information is being forwarded to Ms. Underwood. Mr. Duke recommended Mr. Aponte attend the public hearing to be held in 45 days (if the item is approved), or submit his comments in writing. Mr. Tyler indicated the Board is receiving quite a few comments from manufacturers.

Fred Jones, Professional Beauty Federation of California (PBFC): He gave a brief background of his organization's support of the regulations. They wanted the Board to take professional input regarding the footspa issue. He agreed this is a starting point, providing a working document to the public for their comment. He encouraged the industry to provide their comments for the board to review.

Diann Torres, Public: She asked how the proposed language differs from prior language in the Yee bill that was opposed by the DCA and PBFC? Mr. Hedges explained the Yee bill dealt with regulating the chairs; the Governor's veto stated the responsibility of the chairs should be placed on the manufactureras, not the Board. The new language deals only with cleaning, health and safety. The Yee bill was very general regarding cleaning. The new proposed regulatory language is also more detailed.

Ken Williams, Universal College of Beauty: He asked what type of resources can the board use to enforce the regulations. Jim Jacobs of the Enforcement Division indicated at this point his staff's priority is responding to complaints immediately. He also noted, if our BCP is approved, then more inspectors will be hired. Mr. Williams recommended the Board provide a document/poster that could be posted near the license to alert the consumer of the regulations. Mr. Tyler pointed out ways the board and the department are working to increase public safety which includes; public outreach and education, increased enforcement, and development of best practices.

Upon a motion by Mr. Hedges, seconded by Mr. Lloyd, it was approved by an 8-0 roll call vote to approve the language and move forward with the regulatory process.

4. Agenda Item #4, LEGISLATION AND PROPOSED REGULATIONS

AB 861 (Probationary License): Requires the Board to conduct study of various items within the enforcement area. The Board has previously taken a position of 'watch' on this bill. Mr. Hedges recommended the Board maintain that position. Mr. Tyler noted the bill requires extra staff time and money for compliance. Mr. Gonzalez believes the bill will have a negative impact.

Public Comment:

Ken Williams, Universal College of Beauty: Asked for a brief background of the bill, which Ms. Underwood and Mr. Duke provided.

Cheryl McDonald, Solano Community College: Requested the Board take a stance of opposition to the bill. Negative impact on staff time. Process should still go through Attorney General's office.

Mr. Lloyd asked what the cost is to send a case to the Attorney General. Staff was unsure. Mr. Hedges noted the bill is in the suspense file and will probably be dormant this year. Upon a motion by Mr. Hedges, seconded by Mr. Lloyd, it was voted 7-1 (Gonzalez) to take a 'watch' position on AB 861.

Mr. Gonzalez made the motion to oppose the bill. The motion died for lack of a second.

AB 1561 (Board Member Attendance): Requires a board to report to the appointing authority if a member misses 3 out of the 4 consecutive meetings. The Board has currently not taken a position on this. Ms. Underwood confirmed the board's policy parallels this. Mr. Hedges moved to support the bill. It was seconded by Ms. Gadinis. It was clarified the board member may not necessarily be removed after the reporting. It is at the discretion of the appointing authority. After discussion, the motion was approved by a 7-0 vote. (Ms. Reddock was unavailable to vote)

AB 1793 (Threading): The Board previously took a position of support as amended on this bill, and asked for the removal of incidental trimming of eyebrow hair. Mr. Hedges made the motion to maintain the position of support on this bill if amended, it was seconded by Ms. Gadinis. Jim Jacobs noted that the thread is put into the mouth, which can spread disease.

Public Comment:

Ken Williams, Universal College of Beauty: He asked for clarification on the process of threading. Ms. Underwood noted the Board has received only five complaints. Mr. Hedges noted threading activity may overlap into the board's regulated activity. Eyebrow trimming will be more difficult to enforce.

Fred Jones (PBFC): Stated his organization is opposed to this bill. It includes incidental use of scissors, which falls within the scope of practice of a cosmetologist. He believes this bill will pass.

After discussion, the motion was approved by a 6-1 (Gonzalez) vote.

Ms. Reddock rejoined the meeting.

AB 2927 (Amendments to Public Records Act): Requires any state agency with an internet website to publish some very specific information on how the public may request public records. It will entail significant costs including expensive software, technical consulting and staff time. Privacy and selling of data are also a concern. Mr. Hedges made the motion to oppose the bill unless funded by the legislature and members can be assured private information (including address, phone number and specific financial information) will be redacted from public records. The motion was seconded by Mr. Gonzalez. Mr. Lloyd believed the bill should be opposed without the conditions. Mr. Tyler agreed. Mr. Hedges withdrew his motion. Mr. Lloyd made the motion to oppose the AB 2827. Ms. LaChappa seconded the motion.

Public Comment:

Fred Jones (PBFC): Recommended opposition unless it applies equally to legislators.

Mr. Duke noted from a political standpoint it may not be wise to only oppose the bill, as the public likes 'transparent government' being open. He recommended a position of opposed unless amended. Mr. Gonzalez reiterated the costs of the bill and other negatives outweigh its positive aspects. Mr. Duke notified the board there will be a hearing on this bill on August 8th. Mr. Hedges will attend the hearing.

After discussion, the motion was approved by a 8-0 vote.

AB 2591 (Report of Delinquent Accounts): The Board has not previously taken a position on this bill. It is already included in the staff's procedures. It is not additional work for staff. Ms. LaChappa made the motion to support the bill, it was seconded by Ms. Gadinis.

Ms. Reddock noted she had a public member, Kimberly Powell, join her at her location. Dawn Garrett also introduced herself at Mr. Gonzalez's location.

After discussion, the motion was approved by a 8-0 vote.

SB 1474 (Board Member Terms/Lasers): Mr. Hedges made the motion to support SB 1474. Mr. Lloyd seconded the motion. It has been combined with SB 1848. Mr. Gonzalez asked for clarification of additional items to the bill since the board's support was declared in the past. Ms. Underwood discussed the combining of the bills as of June 29th. The two items that have been added were reconstitution of the board on January 1, 2007, and reciprocity. Mr. Hedges withdrew his motion. Mr. Tyler clarified how the bills were combined in the legislature. Mr. Gonzalez questioned why would Senator Figueroa want to reconstitute the board. Mr. Duke gave a few possible reasons. Mr. Duke noted Senator Figueroa has wanted to change the board for a long time. Mr. Gonzalez made the motion to oppose the bill. However, the motion died for lack of a second. Mr. Hedges made the motion to oppose the bill unless amended to eliminate the reconstitution language and the sunset date is changed to 2009. Mr. Gonzalez seconded the motion. Mr. Gonzalez withdrew his second in order to discuss the reciprocity issue. Ms. Gadinis seconded the motion. Ms. Underwood clarified the reciprocity issue. The new legislation says 'shall grant the license' versus 'may grant the license'. Staff noted it would result in less work and more revenue. Mr. Lloyd recommended supporting the

bill with amendments, others agreed. Ms. Gadinis withdrew her second. Mr. Hedges revised his motion to support the bill if amended to eliminate the reconstitution language and the sunset date is changed to 2009. Ms. Gadinis seconded the new motion.

Public Comment:

Ken Williams, Universal College of Beauty and Dawn Garrett (public): Both spoke in support of reciprocity.

Antonette Sorrick, Department of Consumer Affairs (DCA): Reminded board members not to make personal attacks on other members.

Cheryl McDonald, Solano Community College: Asked members of the board for clarification of the sunset clause, which Mr. Duke provided. She stated the board is critical to represent the citizens and the industry. Mr. Duke noted that legislation will not abolish the board, only the current members of the board would be removed. Mr. Hedges expressed his concern about losing Ms. Underwood, an excellent executive officer.

Deedee Carlson, San Francisco Institute of Esthetics & Cosmetology: Expressed her concerns about reciprocity. The standards in California are higher than other states. Individuals coming from another state need to take the written test for knowledge of California's rules and regulations.

Dawn Garrett, Public: Expressed concern about a new transfer to wait to be tested. Ms. Underwood clarified the language in the new bill does not require the transfer to be tested.

Jim Jacobs, Supervising Inspector noted his staff is against this aspect of the bill, unless transfers are required to take a test on health and safety matters. Mr. Tyler noted approximately 49 states have some form of reciprocity. Underground activity may also increase as new transfers have to wait to be licensed.

Dian Torres, Public: Stated the industry needs continuity and consistency in the board. It is unsettled. She also agreed the standards in California are higher and is more difficult to get a license than other states. People could state they are qualified but because they are not tested, it cannot be verified.

Ken Williams, Universal College of Beauty: Noted other states with reciprocity have a small test or just an application fee. He agreed an exam should be given but possibly on a fast track so they could get to work quickly, and not encourage unlicensed activity.

Deedee Carlson, San Francisco Institute of Esthetics & Cosmetology: Asked Ms. Underwood the timeframe to take an exam. Ms. Underwood stated applications for the written exam are processed within two weeks.

Jean Ogren, Electrology Association of California/Licensee: Noted many states only require 150 hours, whereas California requires 600. She was opposed to the bill.

Fred Jones (PBFC): Noted Senator Figueroa will not budge on the reciprocity or other issues.

Mr. Gonzalez stated they should be more concerned about the industry and citizens of California, and not the Senator's feeling. After intense discussion, the motion was approved 8-0.

SB 1848 (Reciprocity/Immediate Sunset): Combined with SB 1474 (Discussed above)

Approval of Modified Language for Proposed Regulations (Fee Increase): Staff requested to withdraw this agenda item. Staff had originally requested to increase the licensing and exam fee from \$95. In budget reviews, it was determined the \$95 was sufficient. It will be reviewed in one year. Mr. Hedges made the motion to withdraw the item from the agenda. Mr. Tyler seconded the motion.

Public Comment:

Ken Williams, Universal College of Beauty: Agreed with the fee increase.

Deedee Carlson, San Francisco Beauty Institute of Esthetics & Cosmetology: Asked why the exam fees were being raised and not renewal fees. Ms. Underwood stated that the exam fees need to cover the actual costs that are incurred and currently we are not charging enough to cover the cost.

Mr. Lloyd was surprised that the annual cost of living CPI is not normally structured into the fees. They will be reviewed annually. After discussion, the motion was approved by a 8-0 vote.

5. Agenda Item #5, REVIEW AND APPROVAL OF BOARD MEMBER POLICIES AND PROCEDURES

A working group consisting of Mr. Gonzalez, Ms. Walters, Mr. Hedges and Mr. Tyler to review/develop the policies and procedures. Mr. Hedges made the motion to adopt the committee's recommendations. It was seconded by Mr. Lloyd. Mr. Gonzalez questioned on page 4, if it should state consecutive. The Board agreed. Mr. Gonzalez wondered if the board should be limited to four meetings; there should be more. Mr. Tyler noted a provision was added to schedule more meetings if needed. Mr. Duke noted the language sets a minimum threshold. Mr. Lloyd asked if the provisions on presidency were consecutive. It should be specific to 'two full terms'. Mr. Gonzalez questioned Board Member Participation, page 5; below standard participation was discussed. Mr. Hedges revised his motion to adopt the board member policies and procedures as presented with the amendments on page 4 adding consecutive terms and to allow the board president authorization to call for and set the time of any special meetings. Mr. Lloyd seconded the revised motion.

Public Comment:

Alex Irving, Esche & Alexander Public Relations: Agreed with the amendment.

After discussion, the motion was approved by an 8-0 vote.

6. Agenda Item #6, FUTURE BOARD AND COMMITTEE MEETING DATE; ESTABLISH QUARTERLY MEETINGS

Staff presented the proposed meeting schedule. The August meeting will consist of committee meetings on Sunday and Strategic Planning Session on Monday. Ms. Underwood clarified a date change for the January meeting to reflect January 21st and 22nd. Ms. Gadinis asked if the October meetings could be held in San Diego to coincide with the rotation. All agreed. Upon a motion by Mr. Hedges, seconded by Ms. LaChappa, the meeting schedule with changes was approved by a 8-0 vote.

7. Agenda Item #7, ASSIGNMENT OF COMMITTEE MEMBERS:

Mr. Lloyd made a motion to approve the proposed assignment of committee members. It was seconded by Ms. Gadinis. Mr. Gonzalez expressed his dismay over his committee assignments. He believed people should have been consulted before the assignments. Mr. Duke clarified the board never had a policy in the past to cover committee assignments. The new policy states the Board president shall appoint, subject to approval by the majority of the board, the members of each committee. Mr. Tyler explained the process he undertook to form each committee. Mr. Gonzalez indicated he hoped to continue to serve on the DRC committee.

Public Comment

Ken Williams, Universal College of Beauty: Believed whoever is qualified to be a committee member should be on the committee. He believed the industry should be better represented. Possibly more committees should be formed?

Dawn Garrett, Public: Agreed with Mr. Williams noting more committees in different areas and also thanked the board for all of their hard work.

Cheryl McDonald, Solano Community College: Recommended another committee be formed regarding state board sunset review. Mr. Tyler indicated ad hoc committees are formed for this purpose. Mr. Hedges recommended this be discussed in the strategic planning session.

Dian Torres, Public: Noted the possible political strategic implications of how the committees are set up appear to be disheartening. Each committee should have diverse representation and not stacked strategically.

After discussions, it was voted 8-0 to pass the motion.

8. Agenda Item #8, PUBLIC COMMENT

Martine Edwards, Milady Thomson, indicated her company has a new 2005 barbering textbook and would like to have it listed on the approved text and reference book list, instead of the 1999 version. Ms. Underwood stated the list will be updated very soon.

Cinthia Menendez, Skyline Community Cosmetology: Asked the board to revisit the issue of reinstating instructors licenses. Just having the knowledge does not make a good teacher. Under current law, Skyline College is able to bring in teachers with vocational education licenses who have not completed the practical training. Vocational licenses lack the quality of holding an instructors license. Students do not receive the proper training that they should be getting. They are weak in state board rules and regulations, performance criteria, health and safety, etc.

9. Agenda Item #9, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:10 p.m.